

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.697 OF 2005
IN
NOTICE OF MOTION NO.1955 OF 2004
IN
SUIT NO.1886 OF 2004

Ansari Mohd.Tahir Mohd.Sadique

.. Appellant

v/s.

The Bombay Electric Supply &
Transport Undertaking.

.. Respondent

Mr.Homi Patel i/by Mr.Hemani Jhariya for the
appellant.

Mr.Harvinder Toor i/by M/s.Cr.Bayley & Co. for the
respondent.

CORAM : R.M.LODHA AND
D.G.KARNIK, JJ.

DATED : 24th November, 2005

P.C.

Heard Mr.Homi Patel, the learned counsel for
the appellant.

2. Dismissal of the notice of motion by the
learned motion Judge does not suffer from any
infirmity.

3. The following prayers were made by the present
appellant in the notice of motion:-

"(a)	that	pending	the	hearing	and	final
	disposal	of	the	present	Suit,	this
	Hon'ble	Court	be	pleased	to	stay
	Claim	dated	August	2, 2001	made	by
	Chairman,	Review	Committee		of	the
	Defendant	and	the	notice	dated	6th
	February, 2003	issued	by	the		

Defendant.

- (b) that disposal pending of the the hearing and final
disposal of the present Suit, this
Hon'ble Court be pleased to direct the
Defendant to accept payment of the
bills issued for meter No.F-006962 as
per the number of units utilized by
the Plaintiff.
- (c) that disposal pending of the the hearing and final
disposal of the present Suit, the
Defendant and it's servants, agents
and officers be ordered and directed
not to discontinue the electricity
supply to Meter No.F006962 installed
at Ground Floor, Shop 2A, BIT Chawl,
Byculla Station Road, Mumbai- 400 011
belonging to the Plaintiff.
- (d) that interim and ad-interim in reliefs
in terms of prayer (a), (b) & (c)
above be granted to the Plaintiff.
- (e) the Plaintiff be awarded the costs of
and incidental to this notice of
motion.
- (f) for such further and other reliefs as
this Hon'ble Court may deem fit and
proper in the circumstances of the
case."

4. Any payment made by the appellant pursuant to
the demand shall obviously be subject to the
decision in the suit. There was no question of any
direction to the respondent.

5. No interference is called for in the appeal.

Dismissed in limine.

(R.M.LODHA, J.)

(D.G. KARNIK, J.)